

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

1264

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on 04/21/2010Signature /Jamie Cameron/Typed or printed name Jamie Cameron

Application Number

09/477,991

Filed

01/05/2000

First Named Inventor

Bryce A. Jones

Art Unit

2457

Examiner

Barbara N. Burgess

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

/Patrick L. Muino/

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

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04/21/2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Bryce A. Jones

Confirmation No.: 1039

Application No.: 09/477,991

Group No.: 2457

Filed: January 5, 2000

Examiner: Barbara N. Burgess

For: METHOD AND APPARATUS FOR PROCESSING WEB CALLS IN A WEB  
CALL CENTER

**Mail Stop: AF**

Commissioner for Patents

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Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

In response to the Advisory action, dated March 30, 2010 (hereinafter "Advisory action"), and the final Office action dated January 21, 2010 (hereinafter "final Office action"), the Applicant respectfully requests review of the final Office Action in the above-identified application. No amendments are being filed with this request. A Notice of Appeal under 37 C.F.R. § 41.31(a)(1) is being filed herewith. The review is requested for the reasons provided in the following remarks.

## REMARKS

Claims 166-185 are pending in the application. Claims 166-185 currently stand rejected. No claims are amended herein. The Applicant respectfully requests consideration of the following remarks and allowance of the claims.

Claims 166, 168-172, 176, and 178-182 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,687,241 (hereinafter “Goss”). The final Office action mischaracterizes Goss, and thus represents clear error.

The final Office action mischaracterizes Goss by concluding that Goss discloses *receiving a voice call originating from the user device*, as required by claim 166. (final Office action, p.3, lines 4-8). Goss fails to disclose these limitations. Rather, Goss discloses a voice call originating from an agent. In particular, Goss discloses a system that enables customers to submit a call-back request to a call center via the Internet. (Goss, col. 1, lines 62-65). A contact server at the call center receives the call-back request, determines if an agent is available, and if so, the “agent can *then* place a *telephone call* to the number provided by the customer who submitted the call-back request.” (Goss, col. 2, lines 2-7). However, if an agent is not available, the contact server provides call-back services at a later time. (Goss, col. 2, lines 14-16). Thus, Goss clearly discloses a voice call originating from the agent – not the customer.

Moreover, even if Goss did disclose receiving a voice call originating from the customer, Goss is silent with respect to the voice call originating from the customer *including a cookie*, as required by claim 166. In fact, Goss only discloses use of a cookie in conjunction with the preferred embodiment – a call-back request via the Internet using an Internet browser. Nonetheless, even in the preferred embodiment, the cookie is provided by a Web Server, and thus does not originate from the user device as required by claim 166. (Goss, col. 7, lines 51-64).

Furthermore, the final Office action also mischaracterizes Goss by concluding that Goss discloses *routing the voice call originating from the user device to the selected one of the call center resources*. As discussed above, Goss fails to provide for a voice call originating from the user device. It follows that Goss also fails to provide for routing the voice call originating from the user to a selected one of the call center resources, as required by claim 166.

Based on the foregoing comments, the Applicant contends that claim 166 is allowable in view of the cited reference, and such indication is respectfully requested. Independent claim 176 contains limitations similar to those of claim 166, and is therefore allowable over the art of record for the same reasons as claim 166.

While separately allowable over the art of record, the remaining dependent claims depend from otherwise allowable independent claims. The Applicant therefore refrains from a discussion of the dependent claims for the sake of brevity.

### **CONCLUSION**

Based on the above remarks, the Applicant respectfully submits that the claims in their present form are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interests of clarity and brevity. The Applicant respectfully requests allowance of the claims.

The Applicant hereby authorizes the Office to charge Deposit Account No. 21-0765 the appropriate fee under 37 C.F.R. § 41.20(b)(1) for the Notice of Appeal filed herewith. The Applicant believes no additional fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is authorized to charge Deposit Account No. 21-0765 accordingly.

Respectfully submitted,

/ Patrick L. Muino /

**SIGNATURE OF PRACTITIONER**

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